

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3382 of 2016**

- Vishnu Prasad Kaushik S/o Shri Ramesh Kumar Kaushik Aged About 25 Years R/o Village Devrikhurd, Police Station Takhatpur, Post Kathakoni, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chakrabhatha, District Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant	:	Mr. Amit Singh, Advocate
For Non-Applicant/State	:	Mr. Gary Mukhopadhyay, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/06/2016**

1. The applicant has preferred this application for grant of bail as he is in custody since 25.05.2016 in connection with Crime No.42/2016, registered at Police Station : Chakarbhatha, District – Bilaspur for offence punishable under Sections 34(2) and 59-A of the C.G. Excise Act.
2. Learned counsel for the applicant submits that initially the offence has been registered only against the co-accused Ravishankar Dubey, who is alleged to be driver of Maruti Van bearing Registration No. CG-12/R/0771 from which 59.400 bulk liter country made liquor has been seized on 27.01.2016, but later on by way of supplementary charge-sheet the present applicant has also been implicated in the crime in question, he is in custody since 25.05.2016. He further submits that the prosecution has not able to establish any *prima-facie* case against the present applicant in connection with the commission of offence on 27.01.2016. It is also established that the said vehicle used in the crime in question was owned by present applicant by virtue of a sale-deed executed between the present applicant and original registered owner Smt. Usha Sahu. He also

submits that it is the first case wherein the present applicant has been falsely implicated in the offence under the Excise Act.

3. Learned State counsel however opposes the bail application and submits that present applicant is the owner of the said vehicle from which recovery of said liquor being made, therefore he is not entitled for grant of bail.
4. Considering the facts and circumstances of the case, in particular, that the fact that the present applicant has been implicated only after four months of the date of incident, this Court of the opinion present is a fit case for grant of bail to the applicant.
5. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Vacation Judge